

Agee Sees Long Legal Fight Over British Ouster Order

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Special to The New York Times

LONDON, Jan. 28—Philip Agee, a disaffected former employee of the United States Central Intelligence Agency and for four years a resident of Britain, is a convert to revolutionary socialism who has enraged the agency by exposing many of its secrets, including the identities of overseas agents. He is seen in some quarters as a vicious and vindictive man who has endangered the lives of other Americans.

Now he has a problem with British intelligence authorities. Britain's Home Secretary, Merlyn Rees, wants the former American spy out of the country, accusing him of espionage activity here, and he has served Mr. Agee with deportation papers.

But that was more than two months ago. Mr. Agee, who denies the charges, is still in Britain and living without restriction.

Deporting a national of a British ally, particularly on charges of espionage, is so novel a step that an untried quasi-judicial process is being used.

Mr. Agee has been charged under an immigration law enacted in 1971 and used primarily to banish illegal immigrants. It provides that in special circumstances the accused may appear before a special three-member panel to make "representations" against being deported.

But it has no power. It can only advise the Home Secretary that he should reconsider, and so rare is this case that the panel had never met until Mr. Agee appeared before it early this month.

Before the panel, Mr. Agee said in an interview, "you have no right of appeal, no legal representation, no right to confront the evidence against you, no cross-examination, effectively no due process."

He said he spent four days before the panel guessing at the evidence, and then trying to refute it. He is due to appear again next week when he is to present some unidentified American witnesses to argue in his behalf.

Then, under the law, he can bring his case to Mr. Rees. If the Home Secretary still intends to deport him, Mr. Agee has the right to appeal to be permitted to go to a country other than his own.

The Agee affair, which with his own agreement has become something of a cir-



Philip Agee during recent interview in London.

cus for much of this British press, now seems likely to drag on for weeks, and maybe months.

A Risk to British Security

Deportation from Britain is common enough for flagrant violation of immigration laws, for serious crime such as assault or dealing in narcotics and for carrying fatal contagious diseases. But Home Office authorities could not think of a single instance of a case similar to Mr. Agee's since the end of World War II.

The former C.I.A. operative, his Brazilian wife, Angela, and his two sons by a previous marriage live in Cambridge, where they have just moved from a rented house to one they bought and ren-

tered. Their troubles here began at 8 o'clock the morning of Nov. 17, when a plainclothes policeman came by with a letter.

"I was closing the door," Mr. Agee recalled, "and he said, 'Would you mind reading it?'"

The letter said that Mr. Rees intended to deport Mr. Agee as a risk to Britain's national security. It said he had been keeping regular contact with foreign intelligence agents and disseminating, and helping others to obtain, harmful information. The letter went to no further detail, and neither has Mr. Rees.

Because he won't document the charges and risk the possible security hazards that might result from disclosing the details behind them, there has been speculation that there is no security danger at all and that C.I.A. pressure is really behind the move. But this Mr. Rees flatly denies.

At the same time, while he has called Mr. Agee a security risk, Mr. Rees seems reluctant to treat him as one.

"Here I am, a threat to the national security," running around for two months," Mr. Agee said during an interview at the London home of Steve Weissman, a leader of the Berkeley Free Speech movement in the 1960's. "I could be loading secret microfilm into a pumpkin somewhere."

A letter somewhat similar to the one that Mr. Agee received went to another American, 25-year-old Mark Hosenball, a reporter for London's Evening Standard, and formerly a reporter for Time Out, a counterculture magazine for which he had written of the country's intelligence services. But Mr. Hosenball, unlike Mr. Agee, is little known outside a small circle of reporters.

Mr. Hosenball has said that Mr. Agee was a source for some of his articles as Mr. Agee has been, and still is, for other reporters, but it is not known outside the Home Office, whether the two cases are related.

Mr. Hosenball has also been charged under the 1971 immigration law, and he went before the special advisory panel a week after Mr. Agee did. The principal target, however, appears to be Mr. Agee. The former C.I.A. man is 41, the product of Jesuit secondary schools and Notre Dame, the son of a Tampa civic

leader who ran a linen supply and uniform rental business. He wears conservatively tailored suits and British tweeds. He is a man who seems calm, well-schooled and sometimes grimly purposeful.

He served with the C.I.A. in Latin America and has moved around a lot since leaving the agency eight years ago, living in Mexico, Cuba, Paris, London and Cornwall before moving to Cambridge last August. If deported from Britain, he said his family would stay and they would meet in other countries.

Mr. Agee's book, "Inside the Company: C.I.A. Diary," a Penguin paperback, established him as a prominent foe of the American intelligence agency. With Mr. Weissman, he is now writing another book on the C.I.A., one detailing agency interventions in Latin American and European countries. He does other work as well.

"Most of my time and assistance is directed toward third-world liberation movements and radical political movements in the developed countries," he said. "I support governments which would let each society decide what kind of society it wants without intervention from the United States or the Soviet Union. Or if there is intervention, why not intervene on the side of the people rather than on the side of those who have wealth and income."

In other countries, he said, he doesn't try to undermine all C.I.A. activities. "The C.I.A. is involved in all three intelligence activities—intelligence, collection, counterintelligence and covert action to subvert institutions," he said, adding, "My action is against covert action."

In September, he said, he went to Jamaica to aid Prime Minister Michael Manley's Socialist Government in winning the national elections against a vigorous conservative movement.

"I did a lot of radio and television interviews, and I spoke to a lot of meetings," Mr. Agee said. "I felt there was a campaign of violence and terror against the Manley Government, and I think the

C.I.A. was very much involved." During a news conference there, he read off a list of many of the agents. For a while, Mr. Agee said, he thought his activities in Jamaica, though not unlike those he performed in other countries, might have provoked the deportation letter. But now he thinks it had something to do with exposing a Western spy ring in Poland, something he denies having done.

He said he hoped to find out more about the charges against him during his sessions with the special panel, but the panel would go no further than to read out the words of the letter from Mr. Rees.

The panel met in a defunct men's club on Pall Mall, that the Government has taken over and uses for important meetings and news conferences. The sessions were conducted in a chamber still identified by a sign as "Ladies Room," where once the wives of club members, mostly retired military officers, were allowed to eat.

The three-panel members sat at a long table covered with blue cloth, about 15 feet from a somewhat shorter table, also in blue, where Mr. Agee sat with two friends. His family sat on a couch against the wall.

Agee Said to Provoke Panel

Mr. Agee, according to him and his friends at the sessions, sometimes provoked the panel, particularly its chief, Sir Derek Hilton, 68, an attorney. Mr. Agee said he doubted that Sir Derek and the others knew any more about the charges than he did.

"Gentlemen," Mr. Agee said he told them at one point, "I'm in grave doubt about whether you're in any position to give evidence to the Home Secretary."